

ORDINANCE NO. 08-62

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 38 ENTITLED "FIRE PREVENTION AND PROTECTION", ARTICLE I. IN GENERAL, OF THE CODE OF ORDINANCES, AND IN PARTICULAR, REVISING HIALEAH CODE § 38-2 ENTITLED "RESCUE TRANSPORTATION USER FEE" TO PROVIDE A SEPARATE ACCOUNT MAINTAINED BY THE CITY FOR THE COLLECTION AND DISBURSEMENT OF FEES AND TO PROVIDE FOR USE OF THE RESCUE TRANSPORTATION USER AND RELATED FEES TO INCLUDE FIRE SUPPRESSION EXPENSES AND FIRE SERVICE EXPENSES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is for the health, safety and welfare, and proper administration of the City of Hialeah and its residents and business and property owners; and

WHEREAS, this ordinance is to provide for a separate designated bank account for the collection of fire rescue transportation user fees and to provide a greater range of expenditures for the fees collected within the mission of the fire department.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 38 entitled "Fire Prevention and Protection", Article I. In General, of the Code of Ordinances of the City of Hialeah, Florida, particularly, Hialeah Code § 38-2 entitled "Rescue transportation user fee", is hereby amended to read as follows:

Chapter 38

FIRE PREVENTION AND PROTECTION

* * *

Sec. 38-2. Rescue transportation user fee.

(a) The fire department imposes a rescue transportation user fee and fees for related services, and adopts the Miami-Dade County fee schedule, as modified from time to time by the county, without further legislative action. The city may impose fees for related services in connection with the rescue transportation user fee that are not charged by Miami-Dade County or covered by the Miami-Dade County fee schedule. A copy of such schedule is made a part of this section and is on file in the city clerk's office.

(b) The fire chief shall have the authority to waive rescue transportation user and related fees imposed under this section for hardship.

(c) After the allocation of funds sufficient to fund any outstanding bond issues to which these revenues have been pledged, the city may use all revenues generated from the collection of rescue transportation user and related fees for the benefit of the city fire department capital improvement fund and related fire service and rescue expenses, including but not limited to fire suppression, medical supplies, personnel and operating expenses.

(d) All rescue transportation user fees collected under this section shall be deposited in the rescue transportation user fee designated account established and maintained by the city. Such trust account shall be so designated as a separate and distinct account.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12th day of August, 2008.

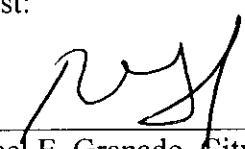
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



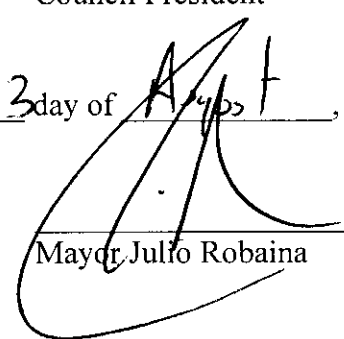
Esteban Bovo
Council President

Attest:

Approved on this 13 day of August, 2008.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".